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**IN THE HONABLE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR C.G.**

**W. P. No.....1308.....2005**

SINGLE BENCH

P.R. No.....1306/05
Presented by Shri.....Ajay Singh
dated.....28-03-05

**PETITIONER.....** **Nitin Agrawal aged 25 years son of Late Shri Ajendra Kumar Agrawal , Sammvida Sala Sikchhak Verg – 3. Govt. Primary School (Naragaon) Kataro, District Durg (C.G.)**

***Versus***

**Respondent .....** **1. The State Government of Chhattishgarh, Through the Secretary,School Education Deptt D.K.S.Bhavan, Raipur (C.G.)**

**2. The District Education Officer, Durg (C.G.)**

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Writ Petition under Articles 226/227 of the Constitution of India.

**The petitioner respectfully**

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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**आदेश पत्रक**

**मामला क्रमांक** ....WP/1208/05.... **सन्** **200**

..... **विरुद्ध** .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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**6.4.2005**

Shri Ajay Shrivastava, counsel for the petitioner.

Shri Akhil Agrawal, Panel Lawyer for the State.

By this writ petition under Article 226/227 of the Constitution of India the petitioner has prayed for regular appointment from 30.5.2002 on the post of Assistant Teacher.

The case of the petitioner is that his father Late Ajendra Kumar Agarwal, who was working as Teacher in the Govt. Primary School, Shanker Nagar, Durg. died in harness on 6.7.1999. The petitioner's father was the sole bread earner in the family and on account of sudden death of petitioner's father there is no source of income of the petitioner's family, therefore, the petitioner had applied for appointment on compassionate ground. The petitioner's application was allowed and he has been appointed as contract teacher vide order dated 30.5.2002 (Annexure P-2). Further case of the petitioner is that he ought to have been appointed on regular basis as per notification No.F-7-4/2002/1-5 dated 10th June, 2003 issued by the Ministry of General Administration Department, Govt. of C.G., Raipur.

Counsel for the petitioner argued that as per sub-clause (3) of Clause 6 of the above scheme of compassionate appointment the petitioner ought to have been appointed as a regular employee and he could not have been appointed as daily wager or ad-hoc basis or on the contract basis. Sub-clause (3) of Clause 6 of the said scheme envisages that the prescribed 5% posts meant for compassionate appointment shall be filled in by regular appointment provided the applicant is qualified and against that 5% posts the appointment shall not be made on daily wage, ad-hoc or contract basis.

I have perused the petition and sub-clause (3) of Clause 6.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

## आदेश पत्रक

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**मामला क्रमांक ..... सन् 200**

..... **विरुद्ध** .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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Perusal of the petition it is not clear that whether 5% posts were available and against that posts the petitioner has been given appointment. In the circumstances, learned counsel for the petitioner submitted that the petitioner may be allowed to make a representation to respondent No.1 raising all his grievances and also in the light of said scheme dated 10.6.2003, to which learned counsel for the respondents has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a representation within a period of two weeks from today to respondent No.1 raising all his grievances and in turn respondent No.1 shall decide the representation of the petitioner in accordance with law after considering the points raised by the petitioner and also in the light of Scheme No. F-7-4 / 2002/1-5 dated 10th June, 2003 issued by the Ministry of General Administration Department, Govt. of C.G., Raipur within a period of two months from the date of receipt of the representation.

With the direction aforesaid, the petition stands disposed of.

Certified copy as per rules.

**Sd/-**
**L.C. Bhadoo**
**Judge**